

**REMARKS**

Claims 1-5 are currently pending in the application.

On page 2 of the Office Action, claims 1-5 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement and the written description requirement.

Applicants respectfully submit that in at least one embodiment of the present invention, as defined by independent claim 1, for example, the measuring point is at the rear of the tunable wavelength filter 30. Thus, the measuring point is at a position that has no filter in front of that position, and an optical signal that has not been filtered can be measured at the measuring point. See Fig. 8 of the specification of the present application. As can be clearly seen in Fig. 8, the "measuring point" is located at the splitter 12, and the photo diode 31 (coupled with the fixed optical filter 51) and the photo diode 32 can measure the optical signal that has not been filtered by any filter.

In light of the foregoing, Applicants respectfully submit that claims 1-5 are enabled, and contain subject matter which is clearly described in the specification in such a way as to reasonably convey to one of ordinary skill in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. Therefore, withdrawal of the rejections is respectfully requested.

Applicants have amended claim 1 to address the antecedent basis issue. Therefore, withdrawal of the rejection of claims 1-5 under 35 U.S.C. § 112 is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/639,467

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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